
RICHMOND EVICTION DIVERSION UPDATE

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THE EVICTION PROBLEM & WHY THE EVICTION DIVERSION PROGRAM IS NEEDED

Virginia has five of the top ten highest eviction rates among large U.S. cities:

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| #2 – Richmond (11.44%) | #3 – Hampton (10.49%) |
| #4 – Newport News (10.23%) | #6 – Norfolk (8.65%) |
| #10 – Chesapeake (7.9%) | |

Virginia has three of the top five highest eviction rates among mid-size U.S. cities:

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|--------------------------|------------------------|
| #2 – Petersburg (17.56%) | #4 – Hopewell (15.69%) |
| #5 – Portsmouth (15.07%) | |

THE RICHMOND EVICTION CRISIS & ITS CAUSES

- 30.9% of all Richmond renters receive a notice of eviction each year
- 17,981 eviction lawsuits filed each year affecting 40,000 people in Richmond subject to
- Most eviction lawsuits result in judgments of possession (10,929 annually)
- Most judgments of possession result in writs of possession authorizing the sheriff to forcibly remove the tenant (9,381)
- Richmond Sheriff's office evicts 2,688 families each year. Many tenants move involuntarily (before sheriff arrives)
- Eviction affects families in many ways such as: where children go to school, where parents get jobs, access to food, health care, public transportation, and exposure to crime. Results in stress that may cause mental health issues

THE RICHMOND EVICTION IMPACT

- Families with children are evicted at double the rate of families without children. CHILD WELFARE ISSUE
- Ten out of eighteen Richmond elementary schools in neighborhoods with eviction rates above the City average of 11.44% are unaccredited
- Six out of seven Richmond elementary schools in neighborhoods with eviction rates below the City average of 11.44% are fully accredited
- Richmond eviction rate increases as the share of the minority population increases, even when holding income and other factors constant. RACIAL ISSUE.
- Eviction poses immediate risk of homelessness & loss of personal property, and families move into poor quality neighborhoods & housing
- Likelihood of being laid off is 15% higher for workers who had an eviction
- A judgment of possession, or even the filing of an eviction lawsuit, makes it much harder for a family to rent another unit and may make a family not eligible for affordable housing

HOW THE RICHMOND EVICTION DIVERSION PROGRAM (EDP) WORKS

THE EDP IS OPEN ONLY:

- RICHMOND TENANTS
- AFTER AN UNLAWFUL DETAINER HAS BEEN FILED AGAINST THE TENANT
- BEFORE A JUDGMENT OF POSSESSION (COURT ORDER) HAS BEEN MADE IN THAT LAWSUIT
- IF THE SOLE ISSUE IS NONPAYMENT OF RENT
- IF LANDLORD AND TENANT AGREE ON THE AMOUNT DUE AS OF THE COURT DATE

HOW THE RICHMOND EVICTIION DIVERSION PROGRAM (EDP) WORKS

TO TAKE PART IN THE EDP, TENANT MUST:

- COME TO COURT ON THE COURT DATE & PAY 25% OF THE AMOUNT DUE BY CASH, CERTIFIED FUNDS OR MONEY ORDER
- EXPLAIN WHY THEY FELL BEHIND IN RENT
- BE ABLE TO PAY ONGOING RENT WHEN DUE AND CATCH UP ON THE BACK RENT
- HAVE A GOOD RENT PAYING RECORD:
 - NOT BEEN LATE MORE THAN TWICE IN A 6-MONTH PERIOD
 - NOT BEEN LATE MORE THAN THREE TIMES IN A 12-MONTH PERIOD
 - NOT BEEN IN AN EDP IN THE LAST 12 MONTHS
 - NOT HAD AN UNLAWFUL DETAINER DISMISSED BY PAYING CURRENT IN THE LAST 6 MONTHS
- TO TAKE PART IN THE EDP, LANDLORD ALSO MUST AGREE



TO GET FINANCIAL ASSISTANCE AS PART OF THE EDP, THE TENANT MUST:

- Have come to court on the court date, paid 25% of the amount due, and entered a payment plan and continuance agreement
- Participate in a financial literacy counseling session
- Bring to the counseling session the payment plan and continuance agreement, proof of current income, bank statements, and proof of expenses
- Have household income not in excess of 80% of Richmond's median household income (as shown in figures below):

HH of 1

\$46,600

HH of 2

\$53,250

HH of 3

\$59,900

HH of 4

\$66,550

Each Additional

\$5,350

EVICTIION DIVERSION PROGRAM PROCEDURES

- Information sheet attached to unlawful detainers filed starting September 10, 2019
- Has a toll-free number to call (833-663-8428, ext. 4) and leave a message
- Tenant gets a return phone call in 24 to 48 business hours and is asked questions to see if he or she can be in the EDP

SCREENING BY HOUSING OPPORTUNITIES MADE EQUAL (HOME)

- Contact information for tenant
- Information about the case – date & time of court return date.
- Does tenant qualify for EDP?
- Information about landlord's claim:
 - Rent and for what period, Late fees, Damages and for what reason,
 - Court costs, Civil recovery, Attorney's fees
- Contact information for landlord and landlord's attorney (if applicable)
- Is tenant able to enter into a payment plan and continuance agreement?
- What is amount due as of court return date?
 - Amount claimed on unlawful detainer
 - Plus charges claimed after unlawful detainer filed
 - Minus payments made after unlawful detainer filed

REFERRAL TO GREATER RICHMOND BAR FOUNDATION (GRBF) & MATCHING WITH VOLUNTEER CONCILIATOR

- HOME refers to GRBF potential candidates for EDP
- Volunteers register for JusticeServer – www.justiceserver.org – and select Greater Richmond Bar Foundation as a “Preferred Legal Service Organization”
- After registration approved by GRBF, volunteers register for shifts by clicking “Volunteer Opportunities”
- One (or more) volunteers responsible for all EDP cases on a single court return date
- Volunteer conciliator provided information obtained by HOME
- Conciliator contacts landlord to encourage and assist landlord & tenant to agree on a payment plan

PAYMENT PLAN AND CONTINUANCE AGREEMENT

- Tenant pays ongoing rent when due
- Tenant makes 3 monthly payments of 25% of the amount due to catch up on the back rent
- EDP has resources available to pay some of these 3 payments
- Due date for these 3 payments usually the 5th of the month. (Parties may agree on new date)
- Case remains on the docket during the payment plan and depending on the parties' agreement, continuance date set for exactly 6, 10, 14, or 18 weeks later

WHAT CAN BE CONCILIATED?

- Rent: Parties must agree on amount of rent due as of the court date. In general, this is:
Amount claimed on unlawful detainer plus charges claimed after unlawful detainer filed
minus payments made not accounted for in court papers
Amount Due as of Court Return Date
- Late Fees: By local court rule, late fees not awarded for more than 10% of rent
- Damages: If parties cannot agree, conciliation ends & referrals may be offered. If these are not disputed or parties agree, these are part of the amount due as of the court date.
- Costs: Amount due as of the court date should be \$58, with an additional \$12 due for each additional defendant
- Civil Recovery: If parties cannot agree, conciliation ends & referrals may be offered.

WHAT IF LANDLORD IS WILLING?

- Copy of a completely filled out Payment Plan and Continuance Agreement emailed to both parties (and their attorneys, if applicable), and to HOME
- Conciliator comes to court on the court date and brings four copies for the parties to sign
- Parties and conciliator meet at courthouse 30 minutes before court
- Conciliator brings four copies of the agreement to court to be completely executed:
 - One copy to the court file
 - One copy to the landlord (or landlord's attorney).
 - Two copies to the tenant & tenant gives one copy to HOME

WHAT IF LANDLORD IS UNWILLING?

Ask landlord if you could explain the advantages of the EDP

- Landlords typically lose between 2-3 months' rent during the eviction process
- Using an average of 2½ months times \$942/month median gross rent, the average loss is \$2,355, which does not include costs of evicting the current tenant and finding a new tenant
- If landlord remains unwilling, ask for the reason why, note the reason, and email that information to HOME, GRBF, and the tenant



CHALLENGES/QUESTIONS